

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2010 JUN 24 AM 10:46

DICKEY'S BARBECUE RESTAURANTS,
INC.,

Plaintiff,

v.

LIRA, LLC and LUIGI MANGIONE,

Defendants.

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DEPUTY CLERK



3:10-CV-300-P

ORDER TO SHOW CAUSE AND FOR ISSUANCE OF AN ATTACHMENT

On April 22, 2010, this Court granted Plaintiff's Motion for Default Judgment and Plaintiff's Motion for Civil Contempt and Sanctions. [Docket # 24.] The Court reiterated this in an Order dated April 27, 2010, which also clarified that Defendants Lira, LLC and Luigi Mangione were ordered to show cause in writing on or before May 24, 2010 why such Defendants should not be held in civil contempt for their disobedience of this Court's Order dated March 3, 2010, and extended March 17, 2010, granting a temporary restraining order and ordering Defendants to respond herein. [Docket # 25.] Then, on June 3, 2010, after Defendants failed to show cause in writing – or any other means of communication – as to why they should not be held in civil contempt, the Court issued an Order setting a show cause hearing (hereinafter "Hearing Order") for June 23, 2010 at 3:30 pm. [Docket # 26.]

The Hearing Order required Defendants to appear at the show cause hearing and show cause as to why they should not be held in civil contempt for their disobedience of this Court's Orders dated March 3, 2010, March 17, 2010, April 22, 2010, and April 27, 2010 (collectively the "Court's Orders"). The Hearing Order further explained that Defendants' failure to appear at

this hearing would result in the Court holding them in civil contempt for their disobedience of the Court's Orders.

At 3:30 pm on June 23, 2010, Defendants failed to appear before this Court as ordered. Then, at 3:37 pm, the Court began the show cause hearing, during which Plaintiff's counsel presented evidence and testimony relating to Defendants continued violations of this Court's Orders. Plaintiff's counsel also provided evidence that Defendants had received notice of each of the Court's Orders. The evidence and representations made by Plaintiff's counsel indicate that Defendants were not only aware of the Court's Orders – including the Hearing Order – but that Defendants had already notified Plaintiff's counsel that they would not be appearing at the show cause hearing.


Nonetheless, Defendants did not request a continuance or provide a written explanation for their continued disobedience of the Court's Orders. In fact, Defendants have never attempted to contact this Court in any way.

For these reasons and those stated on the record in open Court on June 23, 2010, the Court hereby directs the Clerk of Court to issue an attachment for Lugi Mangione. Mr. Mangione's last known home address is 2441 N. Snow Goose Way, Meridian, Idaho 83646 and has business address is the LL BBQ Pit located at 2845 E. Overland Rd., Suite 190, Meridian, Idaho, 83642.

Defendants are directed to appear before the Court on July 21, 2010 at 9:00 am and show cause why they should not be held in civil contempt for their disobedience of this Courts Orders dated March 3, 2010, March 17, 2010, April 22, 2010, and April 27, 2010, as well as show cause why they should not be held in contempt of court for their failure to attend the hearing on June 23, 2010.

IT IS SO ORDERED.

Signed this 24th day of June, 2010.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE